

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA GLOWACKI, on behalf of her
minor children, D.K.G and D.C.G.,

Plaintiffs,

CASE NO. 11-cv-154891

vs

HOWELL PUBLIC SCHOOL DISTRICT,
JOHNSON "JAY" MCDOWELL, individually
and in his official capacity as a teacher
in the Howell Public School District,

Defendants.

_____/

The Deposition of DANIEL GUERNSEY, taken before me,
Jennifer Wall, CSR-4183, a Notary Public within and for the
County of Oakland, Acting in Washtenaw, State of Michigan, at
24 Frank Lloyd Wright Drive, Ann Arbor, Michigan on Friday,
October 12, 2012.

APPEARANCES:

ERIN ELIZABETH MERSINO, ESQ.
The Thomas More Law Center
24 Frank Lloyd Wright Drive
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Appearing on behalf of Plaintiff.



1 question in the deposition, no. Do you think gays
2 should be bullied, no. I just don't think two men
3 should be married or I don't think that the -- he in
4 his fumbling way was getting to the Catholic truth,
5 that human sexual behavior belongs in the context of a
6 marriage between a man and woman, period. He got to
7 that in his fumbling way.

8 I can say that clearly to you. He couldn't
9 get there, but he did get there on your questioning.
10 And Jay did not go through that pattern of questioning.
11 He shut him down.

12 Q. And again, questioning by the teacher aside, how was the
13 student's expressing fumbling? What about it? What's
14 fumbling?

15 A. When he says -- he clarifies this in his deposition when you
16 asked him. All you had to do was ask him.

17 Why did you say you were against gays, were
18 you trying to bully gays, no. I was trying to express
19 my faith tradition, and he didn't have the tools to do
20 it.

21 The teacher truly representing diversity and
22 truly wanting to help that student understand and come
23 to the fullness of the tradition, could have done that.
24 McNally (sic) didn't do it.

25 The Catholic tradition teaches clearly that

1 the bullying of homosexuals is wrong. Clearly.

2 And if Mr. McNally (sic) had asked the young
3 man to tell me what your faith tradition is, go home
4 and write a paper on it tonight, the young man could
5 have found that out and said that it was antithetical
6 to Catholic teaching to bully gays, sinful to bully
7 gays.

8 Q. There is no question in my mind that Ms. Bartos is going to
9 have some follow-up questions on this, but my question right
10 now, was, you know, you're -- the teacher's actions aside,
11 in what respect was the expression fumbling by the student?

12 A. Because he wasn't able to articulate what was in his -- in
13 his reasoning.

14 In the deposition he articulated it. I was
15 not trying to bully gays. I don't believe in bullying
16 gays, I think bullying gays is wrong. That's what he
17 said in his deposition under oath.

18 He would have said the same thing in the
19 classroom if the teacher had articulated and followed
20 the path of reasoning as would normally be expected in
21 a diverse professional environment.

22 Q. In the absence of the follow-up questioning that you would
23 have promoted from the teacher, do you believe the student's
24 initial expression could have been subject to
25 misunderstanding?

1 Q. As head master at Donahue Academy, you have had experience
2 with disciplining teachers, correct?

3 A. Indeed.

4 Q. And would it be fair to say that the purpose of teacher
5 discipline is to correct a problem, or one of the primary
6 purposes?

7 A. Yes.

8 Q. Did you review any personnel documents related to
9 Mr. McDowell?

10 A. No.

11 Q. Do you know whether or not Mr. McDowell had any disciplinary
12 history before this incident?

13 A. No.

14 Q. Do you know whether he had any disciplinary history after
15 this incident?

16 A. Other than what was in the exhibits, no.

17 Q. Did you have an opportunity to review the teachers'
18 collective bargaining agreement?

19 A. No.

20 Q. Are you familiar at all with the Michigan Teachers Tenure
21 Act?

22 A. Not substantially, no. Not enough to form an opinion.

23 Q. In Catholic schools, in your experience, in private and
24 parochial education, do the boards of such schools typically
25 issue policies?

1 A. Yes.

2 Q. Do some of those policies relate to classroom management?

3 A. Classroom management is usually handled by the principal.
4 The board approves policies, so insofar as the board creates
5 or approves a policy related to classroom management, such
6 as there will be no corporal punishment, in that sense, yes,
7 the board would be involved.

8 Q. At the Donahue academy, focusing the question a bit more,
9 has the board passed any policies which are applicable to
10 the classroom?

11 A. The board approves the handbook which lists standards and
12 expectations for student behavior including in the
13 classroom, yes. The board is aware of that and approves it.

14 Q. And as head master at Donahue academy, do you expect your
15 teachers to be familiar with the handbook and those
16 standards?

17 A. Absolutely.

18 Q. You had mentioned that you had reviewed a number of school
19 district policies and guidelines, correct?

20 A. The ones that I mentioned in the exhibits, yes.

21 Q. Did you have any criticism of any of those policies and
22 guidelines?

23 A. No.

24 Q. Did you review any materials generated by Dr. Marcia McEvoy?

25 A. I briefly looked at some of her presentations, yes.